

UNITED STATES BANKRUPTCY COURT

District of Utah

In re Afagh Mohammadreza and Hossein Rezaian,
Debtor

Case No. 12-31819

Chapter 13

Notice of Mortgage Payment Change

If you file a claim secured by a security interest in the debtor's principal residence provided for under the debtor's plan pursuant to § 1322(b)(5), you must use this form to give notice of any changes in the installment payment amount. File this form as a supplement to your proof of claim at least 21 days before the new payment amount is due. See Bankruptcy Rule 3002.1.

Name of creditor: M&T BANK

Court claim no. (if known): 21

Last four digits of any number
you use to identify the debtor's
account: 5 2 3 4

Date of payment change: 4 / 1 / 2015
Must be at least 21 days after date of
this notice

New total payment: \$ 1,759.91
Principal, interest, and escrow, if any

Part 1: Escrow Account Payment Adjustment

Will there be a change in the debtor's escrow account payment?

☐

No

☒

Yes. Attach a copy of the escrow account statement prepared in a form consistent with applicable nonbankruptcy law. Describe the basis for the change. If a statement is not attached, explain why:

Current escrow payment: \$ 705.67

New escrow payment: \$ 179.50

Part 2: Mortgage Payment Adjustment

Will the debtor's principal and interest payment change based on an adjustment to the interest rate in the debtor's variable-rate note?

☐

No

☒

Yes. Attach a copy of the rate change notice prepared in a form consistent with applicable nonbankruptcy law. If a notice is not attached, explain why: _____

Current interest rate: 9.25000 %

New interest rate: 9.25000 %

Current principal and interest payment: \$ 1,580.42

New principal and interest payment: \$ 1,580.41

Part 3: Other Payment Change

Will there be a change in the debtor's mortgage payment for a reason not listed above?

☒

No

☐

Yes. Attach a copy of any documents describing the basis for the change, such as a repayment plan or loan modification agreement. (Court approval may be required before the payment change can take effect.)

Reason for change: _____

Current mortgage payment: \$ _____

New mortgage payment: \$ _____

Part 4: Sign Here

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number if different from the notice address listed on the proof of claim to which this Supplement applies.

Check the appropriate box.

☐ I am the creditor. ☐ I am the creditor's authorized agent.
(Attach copy of power of attorney, if any.)

I declare under penalty of perjury that the information provided in this Notice is true and correct to the best of my knowledge, information, and reasonable belief.

X /s/ Arnold L. Graff _____ Date 03 / 10 / 2015
Signature

Print: Arnold L. Graff _____ Title Attorney _____
First Name Middle Name Last Name

Company Pite Duncan, LLP _____

Address 4375 Jutland Dr. Suite 200; P.O. Box 17933 _____
Number Street
San Diego CA 92177-0933
City State ZIP Code

Contact phone (858) 750 - 7600 _____ Email agraff@piteduncan.com _____



March 3, 2015

[REDACTED]
HOSSEIN REZAIAN
SHABRAM REZAIAN
14029 S CANDY PULL DR
DRAPER UT 84020-7512

RE: Adjustable Rate Loan No [REDACTED]

Dear Mortgagor(s):

This notice is to inform you of an interest rate change and/or an adjustment to your principal and interest payment in accordance with your Adjustable Rate Note. These changes are effective with your payment due April 1, 2015.

This adjustment is based on the following factors:

Interest rate change date:
P & I payment change date:
Projected principal balance as of April 1, 2015:

March 1, 2015
April 1, 2015
\$75,429.31

	<u>Current Loan Information</u>	<u>New Loan Information</u>
Index rate	3.250%	3.250%
Margin	5.000%	5.000%
Interest Rate	9.250%	9.250%
Effective # of payments	6	6
Principal & Interest	\$1,580.42	\$1,580.41

Your new interest rate was calculated by adding your margin of 5.000% to the new index rate. Limits on interest rate changes and rounding may have affected your new interest rate.

If applicable, you will receive an escrow disclosure statement approximately two weeks prior to April 1, 2015. If you have your payment automatically drafted from your deposit account, the draft amount will change in accordance with the new P & I payment and effective date referenced above. Please contact our Customer Service Department at 1-800-724-2224 if you have any questions regarding this notice.

Sincerely,

Jill M. Gilliland
Special Products Manager
Retail Servicing

M&T Bank is attempting to collect a debt and any information obtained will be used for that purpose. If you are in bankruptcy or received a bankruptcy discharge of this debt, this communication is not an attempt to collect the debt against you personally, but is notice of a possible enforcement of the lien against the collateral property.

HOSSEIN REZAIAN
 SHABRAM REZAIAN
 14029 S CANDY PULL DR
 DRAPER UT 84020-7512

Contact Us



Customer Service: 1-800-411-7627

Property Tax : 1-866-406-0949

Property Insurance: 1-888-882-1847



Correspondence Address:
 PO BOX 1288
 BUFFALO, NY 14240-1288



www.mtb.com/mymortgageinfo

New Payment Information

Loan Number: [REDACTED]
 Statement Date: 03/09/15

Principal and/or Interest	1,580.41
Escrow Deposit	179.50
Less: Escrow Surplus	0.00
Optional Insurance	0.00
Other	0.00
Less: Buydown/Assistance Payment	0.00
New Payment Effective 04/01/15	1,759.91

Periodically, your escrow account is reviewed to ensure that sufficient funds will be available to pay escrow items when due. As tax and insurance amounts are subject to change each year, your monthly escrow deposit may also change. Your current monthly payment is \$2,286.09 of which \$1,580.42 is for principal and interest, \$185.91 is deposited into your escrow account, and \$519.76 is for other amounts such as optional insurance, shortage, replacement reserves, etc., that may be included with your regular mortgage payment.

Anticipated Annual Disbursements

COUNTY TAX	2,154.05
Total Disbursements	2,154.05

Account Projections

Projections for coming year: The following summary shows anticipated activity in your escrow account for the next twelve months, which was used to calculate your payment above.

Payment Due Month	Monthly Escrow Deposit	Scheduled Disbursement	Description	Projection Based On Current Balance	Projection Based On Required Balance
			Starting Balance	1,724.17	1,077.05
Apr 15	179.50			1,903.67	1,256.55
May 15	179.50			2,083.17	1,436.05
Jun 15	179.50			2,262.67	1,615.55
Jul 15	179.50			2,442.17	1,795.05
Aug 15	179.50			2,621.67	1,974.55
Sep 15	179.50			2,801.17	2,154.05
Oct 15	179.50			2,980.67	2,333.55
Nov 15	179.50	2,154.05	COUNTY TAX	1,006.12	359.00
Dec 15	179.50			1,185.62	538.50
Jan 16	179.50			1,365.12	718.00
Feb 16	179.50			1,544.62	897.50
Mar 16	179.50			1,724.12	1,077.00

Projected Escrow Balance Summary

The cushion allowed by federal law (RESPA) is two times your monthly escrow payment (excluding MIP/PMI), unless state law specifies a lower amount.

The following breakdown reflects how your regular escrow payment amount is calculated:

Total scheduled disbursements:	\$2,154.05
divided by 12 monthly payments:	\$179.50

Total escrow surplus of	\$647.12
will be refunded to you	
Total escrow payment:	\$179.50

Based on these calculations for the coming year, your new payment effective with your 04/01/15 payment will be \$1,759.91.

Escrow Requirements, New Mortgage Payment and Anticipated Annual Disbursements

Your lowest monthly balance for the next 12 months should reach \$359.00, which equals a reserve of two months escrow deposit. In order to reach this low point, your required escrow balance after your 03/15 payment should be \$1,077.05, whereas your actual escrow balance is \$1,724.17. The difference, \$647.12, represents an escrow surplus. This amount will be refunded to you under separate cover within the next few weeks, ONLY if your payments are up-to-date as of the date of this analysis. If your payments are not up-to-date at the time of analysis, you are entitled to have the available surplus refunded to you when your account is current. At that time, please send your written request to M&T Bank, ATTN: Escrow Department P.O. Box 1288, Buffalo, NY 14240-1288.

750-4420-0115F - Escrow/Generic

INTERNET REPRINT



The escrow overage will be refunded to you under separate cover within the next few weeks, ONLY if your payments are up-to-date as of the date of this analysis. If your payments are not up-to-date at the time of analysis, you are entitled to have the available surplus refunded to you when your account is current. At that time, please send your written request to M&T Bank, Attn: Escrow Department, P.O. Box 1288, Buffalo, NY 14240-1288.

ACCOUNT HISTORY

Previous Escrow Account Projection				Actual Escrow Account History**					
	Deposits	Disbursements	Description	Balance	Deposits	Disbursements	Description	Balance	
			STARTING BALANCE	1,115.50			STARTING BALANCE	-5,295.48	
APR 14	185.91			1,301.41		*		-5,295.48	
MAY 14	185.91			1,487.32	705.66	*		-4,589.82	
JUN 14	185.91			1,673.23	705.67	*		-3,884.15	
JUL 14	185.91			1,859.14	705.67	*		-3,178.48	
AUG 14	185.91			2,045.05		*		-3,178.48	
SEP 14	185.91			2,230.96		*		-3,178.48	
OCT 14	185.91			2,416.87		*		-3,178.48	
NOV 14	185.91	2,230.96	COUNTY TAX	371.82	2,117.01	*	2,154.05 *	COUNTY TAX	-3,215.52
DEC 14	185.91			557.73		*		-3,215.52	
JAN 15	185.91			743.64	1,411.34	*		-1,804.18	
FEB 15	185.91			929.55	705.67	*		-1,098.51	
MAR 15	185.91			1,115.46	2,822.68	*		1,724.17	

The total amount of escrow deposits received during this period was \$9,173.70 and the total escrow disbursements were \$2,154.05. An asterisk (*) indicates a difference from a previous estimate either in the date or the amount of the deposit/disbursement.

** This section may also reflect anticipated escrow activity that has not yet occurred prior to the effective date of this analysis.

To the extent your original obligation was discharged, or is subject to an automatic stay of bankruptcy under Title 11 of the United States Code, this statement is for compliance and/or informational purposes only and does not constitute an attempt to collect a debt or to impose personal liability for such obligation. However, M&T Bank retains rights under its security instrument, including the right to foreclose its lien.

Please remember, as your taxes increase on an annual basis, the escrow portion of your payment will also increase. If you have any questions about this Escrow Analysis, please call our Customer Service Department toll free at 1-800-411-7627.

CERTIFICATE OF SERVICE

I, Amanda S. Koczwara, declare that:

I am employed in the County of San Diego, California. My business address is 4375 Jutland Drive, Suite 200; P.O. Box 17933, San Diego, CA 92177-0933. I am over the age of 18 years and not a party to this cause.

On March 11, 2015 I caused the Notice of Mortgage Payment Change by placing a true copy thereof in an envelope with postage thereon fully prepaid in the United States Mail at San Diego, California and/or via electronic means pursuant to Local Bankruptcy Rule 5005-2 as follows:

Justin O. Burton
Rulon T. Burton & Assoc.
6000 South Fashion Blvd.
Murray, UT 84107
jeff@rulontburton.com

Hossein Rezaian
Afagh Mohammadreza
14029 So. Candy Pull Drive
Draper, UT 84020

Kevin R. Anderson
405 South Main Street
Suite 600
Salt Lake City, UT 84111
kanderson@ch13kra.com

Shabram Rezaian
4659 S State St
Murray, UT 84107

Department of Justice
District of Utah - Salt Lake City
Ken Garff Bldg.
405 South Main Street
Ste 300
Salt Lake City, UT 84111
USTPRegion19.SK.ECF@usdoj.gov

I certify under penalty of perjury that the foregoing is true and correct.

Dated: March 11, 2015

/s/Amanda S. Koczwara
AMANDA S. KOCZWARA